

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY SIDES	:	CIVIL ACTION NO. 1:CV-06-2370
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
RELIGIOUS ACCOMMODATION	:	
COMMITTEE, <i>et al</i>,	:	
	:	
	:	
Defendant	:	

ORDER

AND NOW, this 1st day of October, 2007, upon consideration of the report and recommendation of the magistrate judge (Doc. 70), to which objections were filed (Doc. 71), and, following an independent review of the record, it appearing that the magistrate judge correctly concluded that plaintiff does not need the documents in question to prove his adherence to “Creativity” because he possesses numerous other documents sufficient for that purpose, (see Doc. 70 at 5, 8-9); see also Lewis v. Casey, 518 U.S. 343, 350-51 (1996) (requiring an actual injury to establish a constitutional violation resulting from the denial of access to legal materials), but that outstanding issues remain regarding whether the confiscated documents are entitled to free exercise protection as religious materials, (see Doc. 33 (claiming that the documents in question are utilized for a religious purpose and were taken in violation of plaintiff’s First Amendment rights); see also Docs. 77, 79 (seeking leave

to file a supplemental pleading alleging that the confiscated documents are religious materials)),¹ it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 70) is ADOPTED with respect to the conclusion that plaintiff does not need the confiscated documents for the legal purpose of proving his adherence to “Creativity.”
2. The report and recommendation of the magistrate judge (Doc. 70) is otherwise REJECTED.
3. The order of court dated May 24, 2007 (Doc. 38), prohibiting defendants from destroying the materials confiscated from plaintiff until the court has issued a final ruling on plaintiff’s emergency motion (Doc. 33), remains in full force and effect.
4. The above-captioned action is REMANDED to the magistrate judge for further proceedings consistent with this order.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ The magistrate judge correctly concluded that the complaint in the above-captioned case does not include a claim asserting that the documents at issue are religious in nature. (See Doc. 70 at 9 n.9; see also Doc. 1.) However, since the issuance of the instant report and recommendation, plaintiff has filed a motion to supplement which seeks to correct this procedural deficiency. (See Doc. 77); see also Haines v. Kerner, 404 U.S. 519, 521 (1972) (discussing the degree of deference to be afforded parties proceeding without the benefit of counsel); Hartmann v. Carroll, No. 04-4550, 2007 WL 1967172, at n.8 (3d Cir. July 9, 2007) (same).